

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

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Investigation by the Department on its own Motion )  
into the Appropriate Pricing, based upon Total Element )  
Long-Run Incremental Costs, for Unbundled Network )  
Elements and Combinations of Unbundled Network )  
Elements, and the Appropriate Avoided Cost Discount )  
for Verizon New England, Inc. d/b/a Verizon )  
Massachusetts' Resale Services in the )  
Commonwealth of Massachusetts. )

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D.T.E. 01-20

February 28, 2003

**HEARING OFFICER RULING ON SCOPE OF COMPLIANCE PHASE**

I. INTRODUCTION

The Department of Telecommunications and Energy ("Department") opened the D.T.E. 01-20 docket on January 12, 2001 to establish new rates for unbundled network elements ("UNEs") and interconnection offered by Verizon New England, Inc. d/b/a Verizon Massachusetts ("Verizon") to competitive local exchange carriers.<sup>1</sup> On July 11, 2002, after a comprehensive 18-month investigation, the Department issued its order completing Part A<sup>2</sup> of D.T.E. 01-20 ("Order"). Verizon and several other parties filed motions for reconsideration and clarification of the Order on August 14, 2002. On January 14, 2003, the Department issued an order deciding those motions ("Reconsideration Order"). As directed in the Reconsideration Order, Verizon submitted its D.T.E. 01-20 Part A Compliance Filing on

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<sup>1</sup> The investigation was opened pursuant to the five-year cycle established in Investigation of Resale Tariff of Bell Atlantic, D.T.E. 98-15-Phases II/III (March 19, 1999) to develop new recurring and nonrecurring rates according to the Total Element Long-Run Incremental Cost method established by the Federal Communications Commission ("FCC").

<sup>2</sup> Part B remains in abeyance pending establishment of new resale discount rules by the FCC. UNE Rates, D.T.E. 01-20, Interlocutory Order on Part B Motions (April 4, 2001).

February 13, 2003, and the Department established a procedural schedule for the compliance phase of the proceeding, including technical sessions, comments, and reply comments, to be conducted in March 2003.

## II. SCOPE

Parties are reminded that the scope of the compliance phase is limited to examination of whether Verizon's compliance filing conforms with the Department's directives in the Order and Reconsideration Order. As the Order and Reconsideration Order were the result of nearly two years of investigation, involving a total of 20 days of evidentiary hearings and compilation of an extensive evidentiary record, there will be no further opportunity for presenting further evidence or relitigating issues.

## III. TECHNICAL SESSION

The Department has scheduled technical sessions for March 5 and 6, 2003. The purpose of the technical sessions is to assist the Department in its review of the compliance filing. Verizon will not be required to provide an overview of the compliance filing.

Parties and the Department will address the issues in the order presented in the "Compliance Tracking Matrix" at Tab 1 of the compliance filing, except that discussion of Verizon's alternative hot cut proposal shall take place at the end of the technical session. In accord with this agenda, the Department plans to cover nonrecurring costs and the hot cut alternative process on the second day of the technical session.

In order for all parties and the Department to better prepare for the technical session, parties are asked to send to the Hearing Officers, by e-mail, a list of the issues that they wish to address during the technical session, by Monday, March 3, 2003. Again, parties are reminded that attempts to relitigate decided issues will not be permitted.

## IV. RULING

The scope of the compliance phase of the D.T.E. 01-20 proceeding is limited as described herein.

Under the provision of 220 C.M.R. § 1.06(6)(d)(3), any aggrieved party may appeal this Ruling to the Commission by filing a written appeal with supporting documentation by Monday, March 3, 2003, at 5:00 p.m. A copy of this Ruling must accompany any appeal. Any response to any appeal must be filed by Wednesday, March 5, 2003, at 5:00 p.m.

Date: February 28, 2003

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Marcella Hickey, Hearing Officer